

John Melnik #30576  
 Name  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV. 89070  
 Prison Number

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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

John Melnik )  
 Plaintiff, )  
 vs. )  
Dr. Romeo Aranas )  
 )  
 )  
 )  
 )  
 )  
 )  
 Defendant(s). )

2:17-cv-02378

CASE NO. \_\_\_\_\_  
 (To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT  
PURSUANT TO  
42 U.S.C. § 1983**

Jury Trial, Demanded

**A. JURISDICTION**

- 1) This complaint alleges that the civil rights of Plaintiff, John Melnik,  
 (Print Plaintiff's name)  
 who presently resides at High Desert State Prison, were  
 violated by the actions of the below named individuals which were directed against  
 Plaintiff at Ely State Prison on the following dates  
 (Institution/city where violation occurred)  
11-24-15 - 1-17-17  
November 24, 2015 - January, 2017, and \_\_\_\_\_  
 (Count I) (Count II) (Count III)

**Make a copy of this page to provide the below information if you are naming more than five (5) defendants**

2) Defendant RAMEO Aranas resides at P.O. Box 7011 Carson City, NV 89702  
 (full name of first defendant) (address if first defendant)  
 and is employed as Medical Director of NDOC. This defendant is sued in his/her  
 (defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: As Medical Director Dr. Aranas is responsible for the medical welfare of all inmates of the NDOC

3) Defendant \_\_\_\_\_ resides at \_\_\_\_\_  
 (full name of first defendant) (address if first defendant)  
 and is employed as \_\_\_\_\_. This defendant is sued in his/her  
 (defendant's position and title, if any)  
 \_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: \_\_\_\_\_

4) Defendant \_\_\_\_\_ resides at \_\_\_\_\_  
 (full name of first defendant) (address if first defendant)  
 and is employed as \_\_\_\_\_. This defendant is sued in his/her  
 (defendant's position and title, if any)  
 \_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: \_\_\_\_\_

5) Defendant \_\_\_\_\_ resides at \_\_\_\_\_  
 (full name of first defendant) (address if first defendant)  
 and is employed as \_\_\_\_\_. This defendant is sued in his/her  
 (defendant's position and title, if any)  
 \_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: \_\_\_\_\_

6) Defendant \_\_\_\_\_ resides at \_\_\_\_\_  
 (full name of first defendant) (address if first defendant)  
 and is employed as \_\_\_\_\_. This defendant is sued in his/her  
 (defendant's position and title, if any)  
 \_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: \_\_\_\_\_

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

Jury Trial Demanded

#### B. NATURE OF THE CASE

1) Briefly state the background of your case.

Plaintiff was diagnosed with Hepatitis C (HCV) in 2004 while at Southern Desert Correctional Center (S.D.C.C.) Between 2004 and 2014 there was no successful cure for HCV. In 2014 the F.D.A. approved a cure for HCV. At this time Plaintiff began visiting medical at High Desert State Prison (H.D.S.P) seeking the cure.

On April 29, 2015, Plaintiff was transferred to Elko State Prison (E.S.P.), where Plaintiff was retested for HCV. After determining that Plaintiff was in fact HCV positive, Plaintiff's A.P.R. I score was tracked.

It was explained to Plaintiff that per Medical Directive 219 and Nevada Department of Corrections policy, an inmate cannot be treated for HCV unless the inmates A.P.R. I score reaches 2.0

In November 2015, Plaintiff's A.P.R. I score reached and passed 2.0.

#### C. CAUSE OF ACTION

Nature of Case cont

1  
2 making Plaintiff eligible for HCV treatment/cure per N.D.O.C. policy.  
3 Between November 2015 and January 2017, Plaintiff was denied treat-  
4 ment for HCV on at least three occasions by the Hepatitis C treatment  
5 and the Utilization Review Committee, headed by Dr. Romeo Aranas N.D.O.C.  
6 Medical Director and the person responsible for approving/disapproving  
7 treatment recommendation

8 Between November 2015 and January 2017, Plaintiff wrote Kites,  
9 medical Kites, grievances and letters to the U.R.C., asking for treatment  
10 for HCV, stating his concern and fears of developing cirrhosis of the liver  
11 or some type of cancer. All of which have either been ignored, denied or passed  
12 on to someone else who had no authority to effect a decision on way or  
13 another.

14 On June 21, 2017 Plaintiff was told via teleconference that the results  
15 of a May 30, 2017 ultrasound conducted at H.D.S.P. reflect that Plaintiff  
16 had developed, due to untreated HCV, Class A. Cirrhosis of the liver.  
17 Plaintiff was also made aware of a December 15, 2016 ultrasound that  
18 Plaintiff had Cirrhosis then as well.

## COUNT I

The following civil rights has been violated: Deliberate Indifference of a Serious Medical Need in violation of the Eighth Amendment of the United States Constitution

**Supporting Facts:** [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

### 1. Serious Medical Need:

Plaintiff was diagnosed with H.C.V. in 2006, while at S.D.C. And until 2014 there was no successful cure for this disease, when the Food and Drug Administration approved Sovaldi in 2014, Plaintiff began Kiting medical for treatment for HCV, at H.D.S.P.

On 4-29-15, Plaintiff was transferred to E.S.P., and during the intake interview with medical, Nurse Dawn Jones, Plaintiff notified her that he was HCV positive. Nurse Jones noted that Plaintiff should be submitted for lab work to determine if he qualified for treatment.

Shortly thereafter, Plaintiff was given a blood draw to determine genome type of HCV as well as his A.P.R.I score. Plaintiff was then seen by Dr. Michael Koehne, and told that his A.P.R.I was not yet high enough to be submitted for treatment. Dr. Koehne explained that N.D.C. policy for the treatment for HCV requires the inmates A.P.R.I score to be 2.0 per Medical Directive 219.

Dr. Koehne notified Plaintiff that, through lab work, Plaintiff's A.P.R.I would be tracked. And in November 2015, it was determined that Plaintiff's A.P.R.I score reached and exceeded

COUNT ONE cont'

2.0.

## 2. Dr. Aranas' Knowledge of Serious Medical NEED:

On March 27, 2016, Plaintiff began the grievance procedure concerning not being treated for HCV and explained the risks of not being treated for HCV, such as cirrhosis, liver cancer, etc.. On May 23, 2016, Plaintiff received the denial of the informal grievance. On May 24, 2016, Plaintiff filed the First level grievance. On August 3, 2016 Plaintiff received the First level response, being UPHOLD, stating that the Provider was ~~was~~ scheduled to see Plaintiff to sign and go over the paperwork necessary to start the process of receiving treatment. This appointment was scheduled 7-12-16 by R.N. Dawn Jones. When the provider came to the unit on August 2, 2016, it was Dr. Romeo Aranas, who, at E.S.P. unit 6A, in the presence of Nurse Kelly Lyons, stood 10 feet from Plaintiff's cell and stated that he had already seen Plaintiff, then exited the unit.

On August 4, 2016, Plaintiff filed the 2<sup>nd</sup> level grievance because the 1<sup>st</sup> level grievance that was UPHOLD was denied by Dr. Aranas actions, and incident was added to 2<sup>nd</sup> level which was answered and denied by Defendant Dr. Aranas.

## 3. DEFENDANTS FAILURE TO PROVIDE TREATMENT:

On September 2, 2016, Plaintiff wrote another Informal grievance due to Plaintiff's belief that he was being lied to by Dr. Koehne concerning submitting Plaintiff for treatment. This grievance was denied because it was shown that on three separate occasions, 11-24-15, 3-30-16 and 8-31-16, Plaintiff was

Count One cont'd

was submitted for treatment, and as treatment was not given, they were denied.

4. CAUSATION / INJURY:

On December 15, 2016 and again on May 30, 2017 through ultrasounds performed on Plaintiff that Plaintiff now suffers Cirrhosis of the liver, due to untreated HCV. Treatment which was denied by the Defendant Romeo Aranas.

**COUNT III**

The following civil rights has been violated: \_\_\_\_\_

**Supporting Facts:** [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

.....  
**D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF**

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? \_\_\_\_ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below



outline).

- a) Defendants: \_\_\_\_\_
- b) Name of court and docket number: \_\_\_\_\_
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):  
\_\_\_\_\_
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?  
\_\_\_ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_ frivolous  
\_\_\_ malicious or \_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_

- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? X Yes \_\_\_\_\_ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) \_\_\_\_\_ disciplinary hearing; (2) \_\_\_\_\_ state or federal court decision; (3) \_\_\_\_\_ state or federal law or regulation; (4) \_\_\_\_\_ parole board decision; or (5) \_\_\_\_\_ other \_\_\_\_\_.

If your answer is "Yes", provide the following information. Grievance Number 20063020432  
Date and institution where grievance was filed March 27, 2010 Ely State Prison

Response to grievance: Denied - Upheld - Denied. That inmate  
would be seen,  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**E. REQUEST FOR RELIEF**

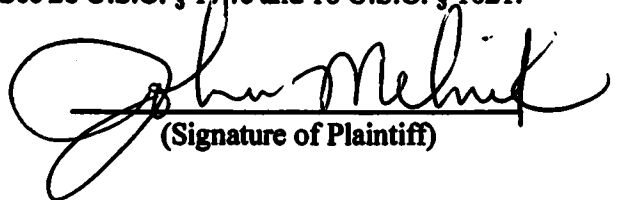
I believe that I am entitled to the following relief:

For the irreparable harm Plaintiff seeks Compensatory Damages  
of \$ 500,000.

For the Deliberate Indifference shown by Defendant Plaintiff  
seeks \$ 500,000 in Punitive Damages.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

\_\_\_\_\_  
(Name of Person who prepared or helped  
prepare this complaint if not Plaintiff)

  
(Signature of Plaintiff)

8-29-17  
(Date)

.....  
(Additional space if needed; identify what is being continued)